



**COUNCIL OF
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NOTE

from : Presidency
to : Working Party of Chief Veterinary Officers
Subject : Activity of the Council of Europe in the field of animal welfare

In view of the meeting of the Chief Veterinary Officers on 19 February 2010, delegations will find attached a note submitted by the Presidency.

NOTE ON THE ACTIVITY OF THE COUNCIL OF EUROPE IN THE FIELD OF
ANIMAL WELFARE

The Council of Europe (CoE) is an intergovernmental organization with 47 member countries (including the 27 EU Member States), founded on 5 May 1949 and headquartered in Strasbourg. Its purpose is to protect human rights, pluralist democracy and the rule of law; to promote awareness and encourage the development of Europe's cultural identity and diversity; to find common solutions to the challenges facing European society, and to consolidate democratic stability in Europe by backing political, legislative and constitutional reform.

The Council of Europe's work on animal protection started in the 1950s (Resolution 134 (1957) on the regulation of the export of live horses and livestock for slaughter). Five Conventions have been established in this context and published in the European Treaty Series (ETS):

- European Convention for the Protection of Animals during International Transport (ETS 65 and ETS 193). Last meeting in March 2006.
- European Convention for the Protection of Animals kept for Farming Purposes (ETS 87 and 145).
- European Convention for the Protection of Animals for Slaughter (ETS 102). No activity in the last ten years.
- European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes (ETS 123 and 170). Last meeting was in June 2006.
- European Convention for the Protection of Pet Animals (ETS 125). No activity in the last ten years.

In fact, work is currently pursued only with regard to the European Convention for the Protection of Animals kept for Farming Purposes.

The Convention established (art. 8.1) a Standing Committee (T-AP Committee). This Committee is composed of Representatives of the Contracting Parties to the Convention and is responsible for the elaboration and adoption of more detailed recommendations to the Parties concerning the different species of animals for the implementation of the principles set out in the Convention.

The T-AP Committee is currently elaborating new recommendations concerning rabbits and species-specific Appendices regarding the Recommendation concerning farmed fish. In addition, it has started work on a revision of its Recommendation concerning cattle, adopted in 1988.

These Recommendations become effective six months after their adoption by the T-AP Committee - in this way they are different from those adopted by the Committee of Ministers. However, it is up to each Contracting Party to decide whether it will implement it or inform the T-AP Committee of the reasons why it has decided that it cannot implement it.¹

The T-AP Committee's rules of procedure foresee that the Secretary General of the CoE shall provide it with the necessary staff and facilities. (art.5.2 and 5.3).

However, in December 2006, the CoE Committee of Ministers decided that, due to budgetary problems, the activity of the CoE since that time would be focused on its core issues (human rights, essentially).

The economic difficulties have determined since then the T-AP Committee's activities, as the budget destined for this Committee is in permanent discussion and its approval is limited to the following year only, preventing a planning to medium and long term. In 2007 there was no budgetary allocation, while the endowment allocated in 2008 and 2009 covered just the costs of interpretation during the plenary sessions. All other requirements (such as translation of working documents) are being carried out by the assistants or staffs who have other duties within the CoE.

¹ Note also that if two or more Contracting Parties or the European Economic Community (now European Union), being itself a Contracting Party, have given notice to this effect, a recommendation shall cease to have effect (Article 9(4)).

Options for the future were already considered in November 2007 by the Bureau of the T-AP in an extraordinary meeting during which three alternatives had been examined:

- Financing the animal welfare activities via the general budget of the CoE;
- Establishment of a CoE Partial Agreement to cover animal welfare activities;
- Financing by external sources.

The Head of the Law Reform Department (Directorate General of Human Rights and Legal Affairs), responsible for the conventions on animal welfare, raised during the 50th meeting of the T-AP Committee (1-3 December 2009) several options for the future that can be summarised as follows:

- To obtain the approval by the Committee of Ministers of the CoE, of a multiannual budgetary specific line.
- To achieve a partial agreement, with economic support of the Contracting Parties.
- To transfer the activities to another international organization.
- To create an Agency in one of the states that would act as "secretariat", with economic compensation for other states.

Although 33 countries have ratified the Convention for the Protection of Animals kept for Farming Purposes (and 2 more have signed it), in fact only a few delegations of the EU MS with voting rights actually attended the last meetings of the T-AP Committee in the CoE (Norway, Switzerland and, occasionally, Croatia have also participated).

Moreover, the European Convention for the Protection of Animals kept for Farming Purposes was approved on behalf of the Community by virtue of Article 1 of Council Decision 78/923/EEC of 19 June 1978 (OJ 1978 L 323, p.12). For matters within its competence, the EU which succeeded the European Community, may exercise its right to vote with the same number of votes as are the numbers of the Member States that are parties to the Convention. The Union representative can vote on behalf of the Union only on the basis of a mandate it has obtained in accordance with the applicable rules. Since the competences regarding matters covered by this Convention are shared between the Member States and the EU, it is important to ensure close cooperation between the Member States and the EU institutions. According to well established practice, in such cases common positions are adopted expressing the common view of the EU and its MS on a given issue.

The declining attendance at T-AP Committee meetings by both Contracting Parties and observers decreases the possible influence of results on non-EU-Parties, without clear benefits for the EU as a whole.

During the last T-AP Committee meeting (1-3 December 2009), it was attempted to adopt six appendices to the Recommendation on farmed fish. The T-AP Committee had worked on the different documents throughout months and years giving the EU and its MS all the necessary time to take appropriate steps to coordinate their common position. Nevertheless, just two weeks before the meeting, representatives of the Contracting Parties and observers, were informed about the fact that the European Union would not exercise its right to vote and therefore Member States would vote on their own in accordance with Article 9 of the rules of procedure of the T-AP Committee. This situation could arise again in the June meeting, or later when texts on cattle or rabbits will be presented for adoption. In addition, several disparities in the translation of texts were found.

Questions for discussion:

- *Given the fact the European Convention for the Protection of Animals kept for Farming Purposes deals with matters to a considerable extent regulated by common rules, do you consider it appropriate that a coordination within the Council is systematically carried out with a view to preparing a common position to be followed within the T-AP Committee?*

- *More generally, given the difficulties currently faced by the CoE with regard to the management of conventions on the protection of animals, which of the options the CoE has reflected upon would you consider as the most appropriate for the future? Any other idea?*

